

#67/Decl.
D. Gorda
01-29-96

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ZE'EV DRORI

Serial No. 08/334,843

Filed: November 4, 1994

For: ELECTRONICALLY PROGRAMMABLE
REMOTE CONTROL ACCESS SYSTEM

Art Unit 2609

Examiner: Weldon, U.

COPY

THIRD DECLARATION OF ZE'EV DRORI

I, Ze'ev Drori, hereby state the following:

1. I am the inventor of the invention of the subject patent application, which has been assigned to Clifford Electronics, Inc. ("Clifford"). This declaration is further to my declarations previously filed December 12, 1994 and June 1, 1995.

2. In response to the Examiner's request for information as to when the first unit including the invention was sold, I am informed and believe that no sales occurred more than one year prior to the effective filing date for this application (September 8, 1987), and in fact I do not believe that any sales occurred prior to September 8, 1987.

3. The Examiner has also questioned the reasons for ordering the large number of microprocessors, saying the reasons have not been completely associated with the success of any device, and that the processors could have been used in other device, or the price of the processors could have been the determining factor. The fact is that the reason the purchase order for the microprocessor was mentioned in my June 1, 1995 declaration was to show completion of the invention, and not to demonstrate the commercial success of my invention. The processor order mentioned in my prior declaration was for mask-programmed processors, already programmed with the

invention for operation in the Intelliguard 500 system. I do not see a correlation between the price Clifford paid for the processors and the commercial success achieved by the invention. The invention has literally obsoleted systems which do not include my invention, to the remarkable extent that every single remote control security system model sold by Clifford and its affiliates today incorporates the invention. In my declaration filed June 1, 1995, I stated that Clifford has sold over one million security systems which incorporate my invention. It should be noted that these sales were not one time promotional sales, but rather a progressive ongoing increase since the introduction of the Intelliguard 500 system.

4. The Examiner has also requested that the diagrams mentioned in the declaration of Mac Amirpoor should be associated with the Figures in the present case. From my review of the Figures in this case and the diagrams attached to Mr. Amirpoor's declaration, I see general correlation between declaration Exhibit B and application Figure 4, and between declaration Exhibit C and application Figure 5.

5. The Examiner has also questioned the adequacy of the description of my invention in the patent application. While I believe these questions have been addressed in my prior declarations and in the declaration of Mr. Angotti, I would also point out the following information. Remote control transmitters including encoders for encoding the transmitter code were well known in the art before my invention, including those for which the code was fixed and could not be altered or changed by the user. Of course, these transmitters were sold as a matched pair with a receiver unit having the transmitter code permanently encoded into the receiver. This is described in my application at page 6, second paragraph. So, if the

transmitter was lost or became inoperative, the user had to obtain the code which is encoded into the receiver unit, open the new transmitter and mechanically code the transmitter with the code. Typically the coding was accomplished by scratching conductive lines on a printed circuit board, by closing or opening switches, or by punching hole areas to provide a particular encoded signal which matched that of the receiver. Of course many users of the remote control systems were unable or unwilling to encode the transmitters on their own, and so were required to seek the assistance of the retailer or manufacturer of the system. These conventional remote control vehicle security systems were obsoleted by my invention.

6. One relatively early example of a vehicle security system with a remote control transmitter is described in U.S. Patent 4,383,242 (Sassover et al.). Of course there are many other examples.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 10-16-95


Ze'ev Drori